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## Council responds to ABAG denial of Regional Housing Needs Allocation adjustment

By Lou Fancher

The Lafayette City Council on Oct. 12 made amendments to the draft of a letter addressed to the Association of Bay Area Governments (ABAG). The letter was written in protest to increased housing element allocations tied to ABAG's Draft Regional Housing Needs Allocation (RHNA) Plan. The action came after ABAG's executive board denied Lafayette's appeal – and that of six other jurisdictions in Alameda and Contra Costa Counties – and declined requests to reduce the allocations. The use of an erratum to correct an admitted error

made by ABAG that had public lands in high fire hazard severity zones included in the baseline for the RHNA allocations was at the centerpiece of the city's objections.

Council Member Gina Dawson started the conversation with a question about whether the letter should return to the initial ask, or request a simple reduction in the allocation. The city's housing element allocation assigned by ABAG is 2,114.

Housing Consultant Diana Elrod informed the council there was no vehicle or legal argument on which to base a second appeal at this time.

That said, the council turned their attention to the

errata explanation and ABAG's executive board having made what council perceived as a misguided change in policy (requiring that Lafayette BART station be "upzoned" and disregarding exclusion of high fire zones on public land) without a public hearing process.

Mayor Susan Candell initially suggested that the letter included the phrase, "...no city should ever be subject to such an arbitrary and capricious policy changes issued by staff through an errata memo in the future." Candell in comments during the item discussion said important policy changes should be reviewed by ABAG executive

staff and be subject to public hearings.

Planning and Building Director Greg Wolff advised amendments to the letter make points firmly without becoming "inflammatory" to ABAG staff. He reminded council that work with ABAG is ongoing and in the interest of future dialogues, clarity and emphasis on reducing the allocation and preventing sudden policy changes were best.

After further discussion and following Council Member Wei-Tai Kwok's suggestion to offset and therefore highlight two action steps suggested to ABAG, the city council approved the follow-

ing amendments:

"Next Steps: 1) We understand that the Administrative Committee took a preliminary action to deny Lafayette's appeal, however we respectfully request that the error be corrected by reducing our allocation. 2) The issuance of an errata (see attached) should not be used to change policy moving forward and should be limited to factual and technical corrections. Policy changes should be made by the Executive Board through a public hearing process."

Receiving no public comments, the council unanimously approved the letter as amended.

## Mayor and city manager answer questions at Lafayette Homeowners Council meeting

By Lou Fancher

Lafayette Mayor Susan Candell and City Manager Niroop Srivatsa gave substantive reports Oct. 14 during an online meeting by the Lafayette Homeowners Council – a nonprofit organization representing the interests of homeowners throughout Lafayette. Moderated by LHC President Bill Bucher, Candell and Srivatsa answered residents' questions about safe routes to school, wildfire safety measures and how to harden homes by trimming dead trees and brush, housing development issues, and other topics of interest.

"The LHC tries to hold resident meetings twice a year depending on topics and current events affecting homeowners," said Bucher. "Access

to people making decisions that affect the homeowners helps everyone understand the process and challenges we as a city face. Transparency and accountability is most important in a small town."

At the beginning of the question and answer period, following Srivatsa's and Candell's presentations, resident Lauren McCaib Herpich said she thinks the town of Lafayette is changing dramatically, especially in the downtown area. "When the General Plan Advisory Committee was first talking about a mission statement, there was a resounding outcry that we are not semi-rural anymore."

Srivatsa, who has worked for the city of Lafayette since 1992, said that she has never seen such a significant shift in community expectations about growth as there is today.

She predicted that as they proceed with the General Plan update, they will have some difficult conversations – especially on land use. The staff is currently working on meeting requirements for increased housing density on BART-owned parking lots to meet next year's AB 2923 compliance deadlines, making updates to the Housing Element plan due at the end of 2022 (CEQA review included), and updating General Plan 2040.

During the meeting Candell addressed the impact that recently passed bills, SB 9 and SB 10, will have on the community. While SB 10 is an opt-in bill, meaning there is no impact on communities unless their councils vote to create an ordinance to upzone parcels under the law, these bills change single family zoning rules and allow up to six units

(SB 9) or 10 units plus 2 ADUs and 2 Junior ADUs (SB 10) to be developed on a single land parcel. The bills also place housing element allocations under state, not local control.

Bucher asked Candell if, with the passage of the bills, the city will automatically meet the Regional Housing Needs Allocation numbers, which require an additional 2,114 units be added to the city's Housing Element. Candell said that the Housing Element numbers are including ADUs and the city can include increased capacity from SB 9 and 10 in RHNA numbers, but noted neither bill has an affordability clause.

Candell said people can lobby state legislators for returning local zoning control to cities and for more support for nonprofit housing development companies to build pro-

jects with below-market-rate units. "The city has a requirement that all multi-family projects have 15% set aside for BMR, so we're slowly building our affordable housing stock." Candell said she wished they could raise the percentage to 25, but by law the state won't allow it. "I think we could do better. We as a city, without the state telling us what to do, could actually build stronger affordable housing requirements."

When Candell was asked by Patty Battersby what residents can do right now "to get our regional control back," Candell suggested she visit stopsacramento.org and to sign up for their newsletters. Bucher also asked about safe pathways to school, saying, "We all want safe routes, but plans can get diluted."

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